CHANGES IN UTILITIES BILL

THE WORK DONE BY GOV. HUGHES'S LEGAL ADVISER.

No Indication That the Governor Will Reeede From His Position on the Bill -The Changes Made Are to Perfect

the Measure-Kelsey Case Hangs Fire. ALBANY, April 24.-While the Assembly Railroads Committee, in conjunction with Senator Page, is making amendments and changes to the public utilities bill, it is not the committee that is drafting the changes. That work is being done by Dean Huffout, Gov. Hughes's legal adviser, and William M. Ivins of New York city is making suggestions. To-day they were at work on the bill, and the changes they decided on are communicated to the Assen-bly Railroads Committee in typewritten form. The members of that committee consider the changes and every one that is sent to the committee has so far been adopted without any opposition.

It is believed that the bill will be in such shape that it can be submitted to the Governor by next Monday, although it had been intended to have the changes made by Friday. So numerous are they, though, that there is some doubt as to whether it can be done in that time.

Assemblyman Merritt, who with Senator Page drew the original bill, says that when the bill is reported to the Assembly it will be much improved and that the real idea at present is to perfect the measure. It is known that a number of matters that had been roughly drawn have been revised and the meaning made more clear. The only ones who appear to have gained concessions are the railroad employees, who are taken care of in the matter of free transportation. The amendment makes it clear that in the event of a strike the Public Utilities Commissions could not order the employees back to work, as labor unions appeared to think could be done under the terms of the original bill.

It has also been made apparent from in direct utterances that notwithstanding the opposition of the various commercial bodies of the State the Governor is not going to

recede from his position on the bill.

It was said that the matter of the removal
of State Superintendent of Insurance Otto Kelsey might have some effect in causing the Governor to yield in regard to the power of removal of commissioners. These same people now say that the action of the Senate has convinced the Governor more than ever that the power of removal should be lodged with him. They point to the fact that it is now nearing the third month since Gov. Hughes asked the Senate to remove Supt. Kelsey and there is no sign that the Senate will have taken action in the matter pefore the three months are up.
The Senate Judiciary Committee is to

hold an executive session to-morrow morning, and Senator Davis, chairman of the committee, says that while the Kelsey matter may be considered, there isn't any doubt that action will be deferred until next week, and in view of the delays that have occurred it wouldn't be at all surprising something should occur next week to again defer action. Not until the case of Supt. Kelsey has been disposed of is there likelihood of the Senate doing anything. While the Assembly has adopted a reso ution fixing the time for final adjournment of the Legislature for May 9, the Senate has refused to take the hint and get busy. It is drifting along in the same way that has characterized the upper house since the organization of the Legislature. The real

object in the Sentae's aimlessness will be apparent within a short time, it is believed, and it will then be discovered that there was and it with their bediscovered that their wars a deep seated object in pursuing the course that Senator John Raines has persisted in ollowing.

After to-morrow the Assembly rules comnittee will take charge of all legislation in the lower house, and in order to make the Senate do something that committee may decided on a plan of its own. Not an im-

portant bill that has passed the Assembly aside from the Bingham police bill has been acted upon by the Senate. Senators will begin to show so in getting personal legislation through during the closing days of the session and the Assembly rules committee may decide to hold up all Senate bills until the Senate

VETOID BY GOV HUGHES.

Bill Extending for a Third Time the Time to Begin Work on a Railroad.

shows a disposition to expedite matters.

ALBANY, April 24.-Gov. Hughes does not propose to have the Legislature extend sleeping franchises of railroads. Although the Governor has signed two bills extending the time in which two railroads could begin operations, he explains that public necessity demanded his action and there was a bona fig. effort on the part of the franchise holders to build the roads day he vetood the bill of Senator Heacock day he vetoed the bill of sensiting the extending the time for beginning the building of the Davenport, Middleburg and Durham Railroad. In his veto nessage the Governor says:

The Davengort, Middleburg and Durhan was incorporated in 1892. Inder the railroad law it was required to begin the construction of its roud and expend thereon to per cent, of the amount of its capiroad within ten years. During the first live years, apart from the making of surveys and the remired maps and profiles and the execution of certain agreements, apparently nothing was accomplished. In 1807 its time to beam construction was

extended until 1902 and the time for completion until 1907. Again in 1902, the Legislature further extended the time to begin construction until 1967 and the time for comple tion until 1912. But construction has not yet been commenced. A third extension is now provided for by this bill.

The franchise to be a rawroad corporation

and to construct and operate a railroad is not to be regarded as a bounty conferred without reciprocal obligations, but is permitted in view of a supposed public interest and upon the condition that the railroad shall be berun and completed within the prescribed time. This is an important policy, and it should not be nullified by the grant of extensions unless exceptional circumstance furnish a sufficient reason for giving-further time to meet the conditions upon which the franchise was bestowed. There are no such circumstances in this case. If the railroad was to be built at all, as projected, there would seem to be no reason why constructtion should not have been begun and the required 10 per cent, expended within the There is likely always to be some hard-

ship in the forfeiture of a charter, but the public interests require that the policy reflected in the statute should be maintained.

TO REMEDY CAR SHORTAGE. American Railway Association Indorses

Clearing House Plan. CHICAGO, April 24.—Measures to minimize the shortage of freight cars were adopted to-day by the American Railway Association. The most important action was indorsing the American Railway Clearing House, an organization formed last January by railroad officials of Chicago with the object of bringing all the freight cars in

the United States into a pool. The association assumed the financial expense of maintaining the statistical department of the American Railway Clearing House, but it was not made obligatory on all the roads to ener into the pooling

arrangement.

The idea of the clearing house pooling plan is to enable each road to have on its own rails at all times as many freight cars as it owns, regardless of the number of its own cars on hand.

as personally reliable.

Our Rugs,

Oriental, American, common, fine, superfine, are exactly as we represent them.

Our prices will attract you. PARKER, SMITH & CO.

Rug Merchants 22-24-26 West 34th St., adj. Waldorf-Astoria

FIVE CENT FARE BILL PASSED. Only Five Votes Against the Measure in

the Assembly ALBANY, April 24.-With only five votes in opposition Assemblyman Wagner's bill providing for a five cent fare to Coney Island passed the Assembly to-day. This is the bill that precipitated a lively time in the lower house when it came up on the order of second reading about ten days ago. It was declared by Speaker Wadsworth and Majority Leader Moreland that it was useless to act on the bill; that the new public utilities commission for New York city would have ample authority in the matter. But it was discovered that this was one of the matters that the commission couldn't touch.

Assemblymen Wainwright and Wells attacked the bill to-day. They declared it was unconstitutional, in that it excepted from its provisions a trunk line railroad and applied only to street surface railroads. Those who voted in opposition were Assemblymen Eagleton (Tam.), Frisbie (Rep., Schenectady), Newton (Rep., Cortland), Wainwright (Rep., Westchester) and Wells (Rep., New York).

(Rep., New York).
The bill provides that no corporation controlling or operating a railroad of any kind within this State shall charge any kind within this State shall charge any passenger more than five cents for one continuous ride from any point on its road, line or branch operated by it or under its control by lease or otherwise, within the limits of any incorporated city or village to any other point on such road, line or branch, operated by it or under its control by lease or otherwise.

This is intended to get around the decision of the Court of Appeals, which held that

of the Court of Appeals, which held that so long as the road to Coney Island was not owned by one corporation the Railroad Comuld not compel a five cent fare.

GEN. ROE NOT OVERRULED.

He Recommended to Gov. Hughes That State Militia Take Part in Coast Defence. ALBANY, April 24. The orders directing the designation of the Thirteenth Artillery and the Seventh Infantry to take part in the manœuvres of the Coast Artillery this summer at the posts about New York city, in cooperation with the coast defence forces of the War Department, came from

Gov. Hughes yesterday as the outcome of a recommendation of Major-Gen. Roe. Gen. Roe had taken a position in opposi-tion to the participation of the State militia in the manœuvres some time ago, unless it was so arranged that the regiments chosen could retain their regimental formation while engaged in the service. From this position Gen. Roe retreated after he had read and considered the letter sent the Governor by Assistant Secretary of War Oliver expressing regret that the State might not he represented and appealing to Gov. Hughes to give the matter further consideration. Until to-day it was not known here that Gen. Roe had changed his position, and the natural supposition was that the orders issued yesterday by the Governor had been issued despite Gen.

Roe's opposition.
At the Adjutant-General's Department to-day it was said that Gen. Roe had written to Gen. Henry on Monday recommending that the designations of commands be made as given in the orders of the Governor of

M'CLELLAN'S APPEAL ARGUED, The Hearst Quo Warranto Case Before

the Court of Appeals. ALBANY, April 24.-The appeal of Mayor George B. McClellan from an order of the Appellate Division, First Department, in the case involving the action of William R. Hearst to try title to the position of Mayor of New York city, was argued before the Court of Appeals this afternoon. The case came up on appeal from the Appellate Division's order which affirmed an order lenying a motion to vacate and set aside denying a motion to vacate and set asing the summons and complaint and the service thereof on the Mayor. The case was argued for Mayor McClellan by Eugene L. Richards and former Judge G. D. B. Hasbrouck and by Deputy Attorney-General Charles A. Dolson for the respondent, the people of

The Court of Appeals is to determine whether the decision of former Attorney-General Mayer, denying the application of William R. Hearst for leave to bring a quo warranto action to try the title to the Mayor-alty, was a har to his successor, Attorney-General Jackson, in acting under the au-thority vested in him by law in bringing such an action. It is contended by course for Mayor McClellan that the quo warranto action in this instance was begun in viola-tion of a writ of prohibition.

Bills Signed by Gov. Hughes ALBANY, April 24.-Gov. Hughes has

signed the following bills: Senator Fuller's permitting the New York city Board of Estimate and Apportionmen to place Lincoln road between Bedford avenue and Ocean avenue, Brooklyn, under the care of the Department of Parks.

Senator Raines's adding Ontario county to the counties in which the closed season for mink, skunk and muskrats is fixed from

Senator Burr's authorizing the Board of Supervisors and Treasurer of Suffoik county o validate certain compromises of taxes heretofore made by the Board of Supervisors.

It is our pride to be known WHO WANTS TO INVESTIGATE?

CITY MAGISTRATES CURIOUS ABOUT A BUFFALO BILL.

Some Commission With a Salaried Secretary Possibly Not From Buffalo at All, Suspected of Being Willing to Report Itself for Duty to Governor Hughes.

Most of the members of the Board of City Magistrates were surprised yesterday to read that Assemblyman John Scott O'Brien had introduced a bill in the Legislature calling for the appointment by the Governor of a commission to investigate the Magistrates' and other minor courts and to make recommendations to the next Legislature. When they saw that the sum of \$15,000 was to be set aside for the payment of expenses, including a secretary, some of them said they were confident that the bill did not emanate from Buffalo, whence Assemblyman O'Brien

hails, but from this city. Several said it was evidently an enterprise to provide comfortable employment for certain reformers. One of the Magistrates, who has been counted among the most upright of the men on the police bench in this city, said:

"There is no need of such an investigation. THE SUN has recently done that work effectively. There is nothing more to be found out. We all know that there has been grafting, and that to some extent it still goes on. The police and lawyers stand together on occasions and the ignorant suffer. We all know what the bail bond evils were and how they came about, and also who benefited by them. know what a farce the good behavior bonds have always been. We know how the political leader has worked his pull in these courts. We know how some clerks have reduced the gravity of charges when an opportunity has presented itself. There is not a phase of corruption in these courts the ins and outs of which are not known

thoroughly.
"What is of greater importance is that within the last six months, thanks to THE Sun's agitation, our police courts have improved vastly. Within a month Magis-trate Whitman said that he never saw a more orderly court than he was presiding over in Jefferson Market. He said that it would compare favorably with any sitting of the Supreme Court. It all depends upon the Magistrate. He can have a clean court if he keeps his eyes open and has a firm purpose. This commission can find out nothing. It can recommend that the Mayor appoint good men to be Magistrates. What the courts need is good Magistrates. It should not require a commission to find that out. A secretary with a \$5,000 salary could probably say that with a lot of nice words thrown in, and he could produce a lot of statistics, but what is the use of spending \$15,000 of the people's money for such a

It was said yesterday that the influences behind the bill are almost entirely from this city and that the measure was introduced by a Buffalo man to give it the ap-pearance of not coming from New York. No list of the proposed commissioners was made public, but it was said that the names have all been agreed upon to submit to the Governor. One of the men who was interested in the bill as a citizen and who would not object to serving, it was said, was Lawrence Veiller. It was thought that if the commission should be appointed Homer Folks would also be considered for a

TO PROBE STATE DEPARTMENTS. Moreland's Bill to Be Reported -Rules Committee Has Local Option Bill.

ALBANY, April 24.-The Assembly will out it up to the Senate as to whether or not Gov. Hughes shall have the power to investigate the State departments, either personally or through commissions that he may appoint. The Assembly Ways and Means Committee to-day voted to report favorably to-morrow Assemblyman Moreland's bill giving the Governor that power. There are reasons to suppose that there are certain Republican Senators who might not be at all anxious to have the Governor probing into the secrets of some of the

State departments. The Assembly Codes Committee decided to report favorably Assemblyman Moreland's bill which prohibits the employment of expert testimony in criminal cases where insanity is the defence. The bill permits testimony as to the insanity of the defendant by persons who have been actual observers of his condition prior to the commission of the crime and after it, but all testimony must be the result of personal contact with the defendant.

The Assembly Rules Committee will have the say as to whether or not the local option bill will be brought before the Assembly. To-day Assemblyman Winters, who intro duced the measure, made a final effort to have the bill reported by the Excise Committee. The motion to report was voted down, Assemblymen Whitney, Volk, Gray and Stevenson being the only supporters of the motion. Assemblymen Brook, Reece, Conklin, Ralston, Hackett, Schwegler, Bauman and Foley voted against reporting the bill.

The Senate to-day passed the Senate Taxation Committee's bill amending last year's mortgage tax law. The amendments have been agreed upon by those interested and the main change is to let

in the old mortgages.
The Senate also passed Senator Allds's bill amending the stock transfer tax law, which permits the State Comptroller to inspect the books of brokers and bucket shop proprietors, and Assemblyman Wells's bill authorizing the Department of Parks of New York city to construct extensions to the Metropolitan Museum of Art, and for that purpose the city is to appropriate annually for the next ten years \$750,000 The Assembly advanced to a third reading Senator Heacock's railroad demur-

PENNSYLVANIA

Bulletin.

1876-1907 A CONTRAST IN TRANSPORTATION.

In 1876 the Jarrett and Palmer Special, en route from New York to San Francisco, made the run from Jersey City to Pittsburgh over the Pennsylvania Railroad in ten hours and five minutes without a stop. At the time this was considered a phenomenal performance. The time of the lastest regular train was fourteen hours and twenty-five minutes.

To-day the "Pittsburgh Day Express" makes the run from Jersey City to Pittsburgh in eight hours and forty-six minutes with six stops. This 's an every-day performance; it is the daily schedule of the train.

The "Pittsburgh Day Express" is one of thirt en daily trains from New York to Pittsburgh. It is composed of Pullman Drawing-Room Parlor cars, Pullman Drawing-Room Observation Parlor car, Dining car, and Standard Day coaches. Although its schedule is fast, and its equipment the best, there is no extra fare on the train. It leaves New York at 10.00 A. M. and arrives in Pittsburgh at 7.00 P. M.

This servic: is in striking contras to that of \$1878. The regular trains of to-day a'ford faster service and far more perfect appointments than the most elabora e and speedy specials of the Centennial year.

THEODORE B. STARR Diamond Merchant,

Jeweler and Silversmith

Wedding Invitations engraved in the most approved

Exclusive papers of Foreign importation for social correspondence.

Monograms, crests and dies of unusual artistic merit.

MADISON SQUARE New York

HERBERT PARSONS IN ALBANY. One of His Objects Was to Defeat Bill Pro

viding for More Municipal Judges ALBANY, April 24.-Following so soon after his visit to the President at Washington, it was believed that the visit of Herbert Parsons, president of the New York county Republican committee, to Albany to-day might be construed as "carrying a message to Garcia.'

Whether there was anything of the kind, however, neither he nor Gov. Hughes, nor in fact any one else, would say; but Mr. Parsons's activity about the Assembly Chamber and his being closeted with Speaker Wadsworth for some time was due to the fact that Mr. Parsons and Gov. Hughes once more differed in regard to legislation.

Mr. Parsons's main object, at least the one that became known concerning his reason for coming to Albany, was to defeat any attempt to pass a bill providing Parsons spoke to Speaker Wadsworth about this proposed bill, and he also went to the Governor on that subject. What Mr. Parsons's reasons are for opposing for more municipal court Judges. Mr. Mr. Parsons's reasons are for opposing this bill he would not divulge, and when any one else was approached on the subject the answer was: "Oh, Mr. Parsons spoke to me in confidence."

to me in confidence."

The bill providing for addittional Municipal Court Judges, however, has really the approval of Gov. Hughes. He recommended legislation that would relieve the inferior courts of New York city from their congested condition, and it is understood that the Covernor has approved of the object. ject sought in the bill introduced at the in-stance of the Citizens' Union. But that bill is now in the hands of a sub-committee of the Assembly Codes Committee and a new measure is being drawn by the sub-

Whether Mr. Parsons's objection will Whether Mr. Parsons's objection will stop the bill is not known now. Mr. Parsons played safe, however, so that if the bill does pass he will be sure of having two or three Republican Judges in his district. He had the boundaries of his district changed so as to make sure that the district twould be Republican. Friends of the bill say that the Republicans next fall could elect their quota of judges, and the opportunity for getting more Republican judges was never so good as at present.

Mr. Parsons also spoke on the apportionment bill to Gov. Hughes. He and William Leary, the Superintendent of the Metropolitan Elections district, saw the Governor.

Mr. Parsons also impressed upon Speaker Wadsworth and Assembly Republican leaders that it was of vital importance to the New York county Republican organization that the Legislature pass the bill giving New York city an official primary ballot.

To-day the Assembly Judiciary Comn tee reported favorably Assemblyman Prentice's bill which permits the dropping of names that have been placed on the en-rolment books through fraudulent meth-

CAPABLE YOUNG ESTRAYS.

Miss Louise Tarling Managed This Trip

Around New York Thirteen-year-old Louise Tarling and her brother, Edward, aged 5, of 876 Washington avenue, Brooklyn, and ten-year-old Hilda Christianson of 732 Washington avenue, who went away together Tuesday afternoon and have had their relatives and the police searching for them ever since, were found sleeping in the doorway of an apartment house at 1573 Lexington avenue, Manbattan at 10 o'clock last night. The jani-

tress called in Policeman Murtha. Aren't you the runaway children from

Prooklyn?" he asked. The other two children looked at Louise and she admitted that they all lived in Brooklyn. They were taken to the 104th street station house, where the children looked so hungry that Lieut. McCuire asked them when they had eaten last Louise said they had had nothing since l'uesday afternoon. He got a pail of coffee and a lot of sandwiches. Louise said that her mother had told her never to drink coffee, and she guessed she wouldn't eat anything either. She gave her share to ber brother, who ate it all.

Louise said that her mother gave her ten cents on Tuesday for being a good girl, and she took her little brother out with her. She met the Christianson girl and they got on a St. John's place street car and came to New York.

In City Hall Park they asked a man for penny to take them home, and got ten Then they got on a Sixth avenue elevated train and rode to 155th street. The children walked the street in the rain until nearly midnight, when the younger ones began to cry because they heard thunder. A woman asked them if they were lost and they said "yes," so she took them to her home to sleep. She let them go yesterday morning, without anything to eat, when they said they could find their

way home.
They walked around Harlem all day, yesterday looking for Washington avenue yesterday looking for Washington avenue and late in the afternoon Edward announced that he was tired of looking and ran away

from the girls.

Louise and Hilda decided to report him to the police. They went to the East 128th street station, and found the boy there. They claimed him and got him, and started to the police. out again. When they got so tired they couldn't walk any more they went into the hallway of the house where they were found, and went to sleep.

Their mothers got them all last night.

WILL BENEFITS HOSPITAL

And Employees of the Broadway Savings

Institution. The Presbyterian Hospital will receive between \$120,000 and \$150,000 by the will of Peter Cumming, founder and former president of the Broadway Savings Institution, who died on Monday. The executors, Horace F. Hutchinson, J. Barre King and Richard B. Curry, think the entire estate will be something short of \$300,000. The employees of the bank are remembered in the will. Mr. Cumming was a widower and had no near relatives. The funeral, which is to be held from the home, 7 West Eightysecond street, to-day, is in charge of the bank's president, Horace F. Hutchinson.

NEW MAGISTRATES SELECTED.

ALL THREE ASSISTANTS TO THE CORPORATION COUNSEL.

Arthur C. Butts, Charles N. Harris and Frederic Kernochan to Take the Places of Baker, Sweetser and Finelite-No District Leaders' Nominees This Time.

Mayor McClellan announced yesterday that it was his intention to fill the three vacancies which are to occur on May 1 in the Board of Magistrates with these Arthur C. Butts to succeed Magistrate

Baker for a term of ten years. Charles N. Harris to succeed Magistrate Sweetser for a term of ten years Frederic Kernochan to succeed Magistrate Finelite for a term of ten years.

In these appointments the Mayor has broken away from the policy he adopted in some of his previous selections of putting men on the Magisterial bench because of the backing they had of Tammany district leaders. Although the Mayor would make no comment yesterday on the ap-pointments, it is understood that his selecions were made after conferences with Corporation Counsel Ellison, and after being satisfied that the three men were qualified for their new positions, because of the ex-cellent legal services they have already given to the city.

Arthur C. Butts is at present the Assis-Arthur C. Butts is at present the Assistant Corporation Counsel, representing the city of New York at Albany. He is a resident of The Pronx and a Democrat. Mr. Butts represented his district for a number of years in the Assembly, and has

number of years in the Assembly, and has served as an Assistant Corporation Counsel under Corporation Counsels Whalen, Delany and Ellison.

Charles N. Harris is at present an Assistant Corporation Counsel, having been originally appointed by Corporation Counsel Morgan J. O'Brien, and having served under Corporation Counsels Beekman, Scott, Whalen, Rives, Delany and Ellison. Mr. Harris was graduated from Georgetown College in 1871 and from the Columbia Law School in 1873, and has practised law in the offices of Coudert Bros. and Bowers & Sands. He is a resident of the Borough of Manhattan and a lifelong Borough of Manhattan and a lifelong Democrat. Mr. Harris, who is a son-in-law of Dr. Thomas Addis Emmet, is a member of the Catholic Club and a trustee of St. Stephen's Catholic Church. He is also a

member of the Bar Association.

Frederic Kernochan is a resident of the Borough of Manhattan, a Democrat, and a member of the Democratic General Com-mittee for the Twenty-fifth Assembly district. He was graduated from Yale University in 1898 and from the New York Law School in 1900. Mr. Kernochan was ap-School in 1900. Mr. Kernochan was appointed an Assistant Corporation Counsel by Corporation Counsel Rives, and as a Deputy Assistant District Attorney by Mr. Jerome. He is now practising law as a member of the firm of Rand, Moffat & Webb. Mr. Kernochan is a member of the Bar Association and of the University and Knickerbocker clube.

ARCHBISHOP OF NEW ORLEANS. Cardinal Gibbons Tells How Pope Was Elected Through His Inspiration.

NEW ORLEANS, April 24.-James Hubert Blenk received the pallium as archbishop of New Orleans to-day at the St. Louis Cathedral. It was bestowed by Cardinal Gibbons. Archbishop Glennon of St. Louis, Archbishop Mesmer of Milwaukee and Archbishop Moeller of Cincinnati took part in the ceremony. Archbishop Harty of Manila did not reach here in time but will be here to-morrow.

Among the Bishops present were the Right Rev. J. D. Morris of Little Rock, Vaude Vein of Natchitoches, Estrada of Havana, W. J. Kenny of San Augustine, Kelly of Savannan, Rouxel of New Orleans, Allen of Mobile, Byrne of Nashville, Dunne of Dallas, Meerschart of Indian Territory, Vandanger of Brownsvilla Cotter of Winona, Heslan of Natchez, Hennessy of Atlanta, Janesens of Belleville, Scannell of Omaha, Gallagher of Galveston and McCloskey of Louisville.

The cathedral was beautifully decorated and was filled with a distinguished audience. The ceremonies were f lowed by a banquet at which Cardinal Gibbons made a memorable address, responding to the toast, "The Holy Father," in which he de-scribed the election of Pius X., saying that at the first ballot Cardinal Sartox received 5 votes, next, 10 then 17, next 21, and then, one morning he received 27 votes, the fated

number for election. number for election.

Cardinal Sarto arose and said he was not a candidate. "I beg of you, my brethren," said Cardinal Sarto, "to pass my name. I am unfit for the exalfed position. The burden will be too heavy for my shoulders and I implore you, my ven-erable colleagues to entirely forget my name

I returned to my room and brooded over the matter, continued Cardinal Gibbons. There was no strong candidate in sight, and I foresaw another long session of the con-

I received a visit from a distinguished member of the Sacred College, and I suggested to him-it seemed an inspiration Suppose you should call on the Patriarch of Venice and influence him in the name of God to reconsider his declination and to sacifice himself for the sake of the Church

My distinguished friend went away and in a little while returned and whispered in Latin "Acceptit," which means he had accepted. I told his Eminence to make a short address to the council and inform it that Cardinal Sarto had reconsidered his declination and was now, to use an American political expression, in the hands of his friends.' announcement was made; the election fol-

Guilty of Murder, Second Degree. BINGHAMTON, April 24.-Frank Miner 23 years of age, was to-day declared guilty of murder in the second degree for the killing of James A. Tobey on October 25 last. Tobey's charred body was found in the ruins of his burning home early that the ruins of his burning home early that morning, and the autopsy showed that he had first been shot from behind. Miner had been living with Tobey's wife, who was planning to return to her husband the day of the tragedy. The trial lasted fourteen days and the jury had been out since 6:15 o'clock last night.

Bequests of Rosalle Walde.

The will of Rosalie Livingston Waldo half sister of Rhinelander Waldo, contains a bequest of \$5,000 to the Children's Aid Society, to be used for the benefit of the Astor Memorial School in Mott street. Miss Waldo died in Paris on March 16. leaving an estate valued by the executors, Julia and Margaret Waldo, at more than \$50,000. There are bequests of \$20,000 to Grace Arnold, \$10,000 to Constance A. Rapallo, wife of Charles A. Rapallo, \$5,000 to Edna Fraser-Campbell, and \$5,000 to Julia Livingston, aunt of the testatrix. The residuary estate goes to the two execu trices. who are cousins of the testatrix.

New Home for St. Stanislaus Sisterhood. Plans have been filed with Building Superintendent Murphy for a new two story home to be built at 104 and 106 St. Mark' place for the Sisterhood of St. Stanislans Roman Catholic Church, of which the Rev. John Stozelacki is rector. It is to be of ornamental stone with a frontage of 52 feet and a depth of 97½ feet and will have a chapel and school in addition to the living quarters of the sisters. The building is to cost \$30,000.

Hearing on Frawley Boxing Bill.

ALBANY, April 24.-Gov. Hughes will give a hearing on the Frawley boxingb bill in the executive chamber at 2:30 o'clock Friday afternoon. The bill provides for sparring exhibitions not to exceed five minutes duration, under the control and supervision of the Metropolitan Association of the Amateur Athletic Union.



The strongest argument we can present for the character of our suits for men is the suits themselves. We believe men who know our suits will grant that. Touching upon style, these suits reveal every innovation. Another phase is the remarkable diversity in the number of models, fabrics and patterns presented from \$15



At 13th St.

The famous Ralston Health Shoes at \$4 are on sale at our two down-town stores, 265 Broadway and 420 Broadway.

Near Chambers St.

Hackett, Carhart & @

At Canal St.

An accompaniment for the

luncheon-

NABISCO

SUGAR WAFERS

The perfect Dessert Confection.

In ten cent tins, also in twenty-five cent tins.

NATIONAL BISCUIT COMPANY

BAD CHECK MAN GOES SHOPPING. Jewellers in the Maiden Lane District His

Victims Worthless checks have been passed in the last few days on several jewellers in the Maiden lane district in exchange for gold jewelry and diamonds, and the police were asked yesterday to find a distinguished looking man, who is about 60 years old, has a smooth face and is almost bald, but has a few gray locks. He passed the checks by representing himself as E. S. Littell, a member of a wholesale drug

firm at 228 Fulton street. The man with the bad checks started operations by buying a suit of clothes at a Cortlandt street store, paying \$40 for them with an order on the Greenwich Bank. Attired in the new clothes he walked into the store of C. A. Keene, 180 Broadway, and bought a watch and chain for \$59.60. The jeweller accepted the stranger's check, which was signed with a forgery of Mr. Littell's name, just as in the case of the one passed at the clothing At the store of Benedict Bros., 141 Broad-

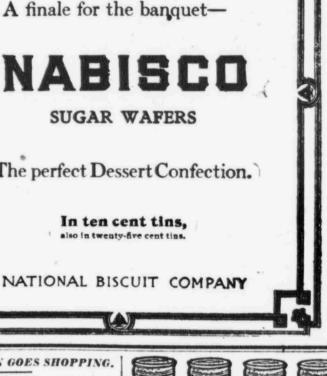
way, the forger picked out diamond earrings worth \$185, remarking that as his cook was about to marry his coachman a wedding present of about that size was in order. Mr. Benedcit was not sure and in order. Mr. Benedcit was not sure and so he courteously said that he would send the earrings over to Mr. Littell's office.

The real Mr. Littell was surprised when a messenger walked in with the earrings and they were sent back. About the same time Mr. Keene, the clothing dealer, and some others who had accepted bad checks got them back. Mr. Littell has no account at the Greenwich Bank. He was at a loss at the Greenwich Bank. He was at a loss to account for the use of his name, and he has joined with the losers in calling on the police to catch the swindler.

CHARLES E. WARING'S WILL. Millionaire Cuts Off His Son Chester C.

With Monthly Allowance of \$75. MOUNT VERNON, N. Y., April 24.-The will of Charles E. Waring, hat manufacturer of Yonkers, was filed in the Westchester county Surrogate's office at White Plains to-day, and in an odd provision it cuts off Mr. Waring's son Chester C. Waring with a monthly allowance of only \$75, while his two brothers inherit the bulk of the estate after the death of their mother A part of the will prohibits Chester from right whatever in any event or under any circumstances to pledge, hypothecate incumber or anticipate payment of the provision made for him."

There is nothing in the will to indicate why Chester C. Waring receives so little of an estate estimated to be worth several



When every good dealer everywhere sells the genuine LIEBIG COMPANYS Extract of Beef why be content with adulterated imitations or inferior brands? This signature in blue on every jar of the genuine:



STEAMER BURNED AT HER PIER Captain and Crew Have to Hustle to Get

Ashere-Damage \$75,000. The steamer Pioneer of the Stephens and Condit Line, which plied between this city and Newark, was burned at her pier, No. 15 North River, yesterday. The fire started in the forward hold and was discovered by Thomas Miniter, a watchman. By the time he gave the alarm the flames had spread aft, and the captain, William H. Chambers, and the crew had to hustle pretty lively to get ashore. One of the deckhands. Robert Darcy, who was ill in his bunk, had to go through a porthole to escape.

The firemen of five engine companies and two fireboats confined the flames to the freighter, but for a time it looked as if the pier would go up. The damage to the vessel was estimated at \$75,000.

Fast Trip From Jamaica The Royal Mail steamship Trent in resterday from Kingston, Jamaica, made the unusually fast trip of 3 days 19 hours and 29 minutes from bar to bar her passengers were José Augustin Arang. Panama Minister to Washington, F. de la Torre Bueno, Peruvian Senator, and Licut-Col. Loveland of the Second West Indian Regiment, who is going to England on a leave of absence.